

1 RESOLUTION TO ALLOW TELECONFERENCE MEETINGS

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3 **Resolution making findings to allow teleconferenced meetings under California**
4 **Government Code Section 54953(e)**

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6 WHEREAS, California Government Code Section 54953(e) empowers local policy bodies to
7 convene by teleconferencing technology during a proclaimed state of emergency under the
8 State Emergency Services Act so long as certain conditions are met; and

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10 WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state of
11 emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”)
12 pandemic, and that state of emergency remains in effect; and

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14 WHEREAS, On February 25, 2020, the Mayor of the City and County of San Francisco (the
15 “City”) declared a local emergency, and on March 6, 2020 the City’s Health Officer declared a
16 local health emergency, and both those declarations also remain in effect; and

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18 WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders
19 suspending select provisions of local law, including sections of the City Charter, that restrict
20 teleconferencing by members of policy bodies; and

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22 WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited
23 exceptions, prohibited policy bodies other than the Board of Supervisors and its committees
24 from meeting in person under any circumstances, so as to ensure the safety of policy body
25 members, City staff, and the public; and the Mayor updated that order on December 17, 2021;

1 and

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3 WHEREAS, On February 10, 2022, the Mayor issued an emergency order requiring certain
4 City boards and commissions to hold meetings in person at a physical location where
5 members of the public may attend and provide comment, but the Mayor’s order continued to
6 prohibit all other policy bodies, including the Immigrant Rights Commission, from meeting in
7 person, with limited exceptions; and

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9 WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amended the
10 Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state
11 of emergency without complying with restrictions in State law that would otherwise apply,
12 provided that the policy bodies make certain findings at least once every 30 days; and

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14 WHEREAS, While federal, State, and local health officials emphasize the critical importance
15 of vaccination (including a booster once eligible) and consistent mask-wearing, regardless of
16 vaccination status, to prevent the spread of COVID-19, the City’s Health Officer has issued at
17 least one order (Health Officer Order No. C19-07y, available online at
18 www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i,
19 available online at www.sfdph.org/directives) that continue to recommend measures to
20 promote safety for indoor gatherings, including vaccination, masking, improved ventilation,
21 and other measures, in certain contexts; and

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23 WHEREAS, The California Department of Industrial Relations Division of Occupational Safety
24 and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of

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1 Regulations, which requires most employers in California, including in the City, to train and
2 instruct employees about measures that can decrease the spread of COVID-19; and

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4 WHEREAS, Without limiting any requirements under applicable federal, state, or local
5 pandemic-related rules, orders, or directives, the City’s Department of Public Health, in
6 coordination with the City’s Health Officer, has advised that for group gatherings indoors, such
7 as meetings of boards and commissions, people can increase safety and greatly reduce risks
8 to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-
9 fitting masks regardless of vaccination status (and as required for unvaccinated people by the
10 State of California’s indoor masking order), encouraging vaccination (including a booster as
11 soon as eligible), staying home when sick or when experiencing any COVID-19 symptom,
12 discouraging consumption of food or beverages in the meeting, following good hand hygiene
13 practices, and making informed choices when gathering with people whose vaccination status
14 is not known; and

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16 WHEREAS, the Immigrant Rights Commission has met remotely during the COVID-19
17 pandemic and can continue to do so in a manner that allows public participation and
18 transparency while minimizing health risks to members, staff, and the public; now, therefore,
19 be it

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21 RESOLVED, That the Immigrant Rights Commission finds as follows:

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23 1. As described above, the State of California and the City remain in a state of emergency
24 due to the COVID-19 pandemic. At this meeting, the Immigrant Rights Commission has
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1 considered the circumstances of the state of emergency.

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3 2. As described above, because of the COVID-19 pandemic, conducting meetings of this
4 body and its committees in person would present imminent risks to the safety of
5 attendees, and the state of emergency continues to directly impact the ability of
6 members to meet safely in person; and, be it

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8 FURTHER RESOLVED, That for at least the next 30 days, unless the Mayor issues an earlier
9 order authorizing in-person meetings, all meetings of the Immigrant Rights Commission and
10 its committees will continue to occur exclusively by teleconferencing technology (and not by
11 any in-person meetings or any other meetings with public access to the places where any
12 policy body member is present for the meeting). Such meetings of the Immigrant Rights
13 Commission and its committees that occur by teleconferencing technology will provide an
14 opportunity for members of the public to address this body and its committees and will
15 otherwise occur in a manner that protects the statutory and constitutional rights of parties and
16 the members of the public attending the meeting via teleconferencing; and, be it

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18 FURTHER RESOLVED, That the staff of the Immigrant Rights Commission is directed to
19 place a resolution substantially similar to this resolution on the agenda of a future meeting of
20 the Immigrant Rights Commission within the next 30 days. If the Immigrant Rights
21 Commission does not meet within the next 30 days, the staff is directed to place a such
22 resolution on the agenda of the next meeting of the Immigrant Rights Commission.

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